

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCELLUS McMURRAY,

Plaintiff,

-against-

(JUDGE) ROBERT STOLZ; (JUDGE)
LAURA WARD; (D.A.) DASHA
KABAKOVA; (D.A. CYRUS VANCE JR.;
(N.Y.P.D.) STEPHEN POLESOVSKY
(OFFICER),

Defendants.

1:21-CV-7730 (LTS)

CIVIL JUDGMENT

Pursuant to the order issued October 1, 2021, dismissing this action,

IT IS ORDERED, ADJUDGED AND DECREED that this action is dismissed. The Court dismisses Plaintiff's claims under 42 U.S.C. § 1983 against Justices Stolz and Ward under the doctrine of judicial immunity and as frivolous. *See* 28 U.S.C. § 1915(e)(2)(B)(i), (iii).

The Court also dismisses Plaintiff's claims under Section 1983 against District Attorney Vance and Assistant District Attorney Kabakova under the doctrine of prosecutorial immunity and as frivolous. *See id.*

The Court further dismisses Plaintiff's claim of false arrest under Section 1983 against Officer Polesovsky for failure to state a claim on which relief may be granted, *see* § 1915(e)(2)(B)(ii), and his claim of malicious prosecution under Section 1983 against Polesovsky without prejudice.

The Court additionally dismisses Plaintiff's claims in which he seeks *habeas corpus* relief from his state-court conviction under 28 U.S.C. § 2254 for lack of jurisdiction. Because these claims make no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court declines to consider, under its supplemental jurisdiction, Plaintiff's claims under state law. *See* 28 U.S.C. § 1367(c)(3).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Court's judgment would not be taken in good faith.

IT IS FURTHER ORDERED that the Clerk of Court mail a copy of this judgment to Plaintiff and note service on the docket.

SO ORDERED.

Dated: October 1, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge